



January 22, 1999

SENATE BILL No. 60

DIGEST OF SB 60 (Updated January 21, 1999 (9:41PM) - DI es)

Citations Affected: IC 35-50.

Synopsis: Sexual predator sentencing. Requires a court to sentence a person convicted of a sexual predator felony to an additional fixed term of imprisonment of 20 or 25 years as a serial sexual predator if the state proves beyond a reasonable doubt that the person has accumulated at least two unrelated sexual predator felony convictions. Defines "sexual predator felony" as rape, criminal deviate conduct, child molesting, child exploitation, vicarious sexual gratification, child solicitation, child seduction, sexual misconduct with a minor, sexual battery, or incest.

Effective: July 1, 1999.

Zakas

January 6, 1999, read first time and referred to Committee on Rules and Legislative Procedure.
January 21, 1999, amended; reassigned to Committee on Judiciary.

SB 60—LS 6143/DI 13+



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January 22, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

SENATE BILL No. 60

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-50-2-14 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 1999]: **Sec. 14. (a) As used in this section, "sexual predator**
4 **felony" means:**

- 5 (1) **rape (IC 35-42-4-1);**
- 6 (2) **criminal deviate conduct (IC 35-42-4-2);**
- 7 (3) **child molesting (IC 35-42-4-3);**
- 8 (4) **child exploitation (IC 35-42-4-4(b));**
- 9 (5) **vicarious sexual gratification (IC 35-42-4-5);**
- 10 (6) **child solicitation (IC 35-42-4-6);**
- 11 (7) **child seduction (IC 35-42-4-7);**
- 12 (8) **sexual battery (IC 35-42-4-8);**
- 13 (9) **sexual misconduct with a minor (IC 35-42-4-9); or**
- 14 (10) **incest (IC 35-46-1-3).**

15 **(b) The state may seek to have a person who is convicted of**
16 **committing a sexual predator felony sentenced to an additional**
17 **fixed term of imprisonment as a serial sexual predator by alleging,**

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on a page separate from the rest of the charging instrument, that the person has accumulated at least one (1) prior unrelated sexual predator felony conviction. However, a conviction does not count for the purposes of this subsection if the conviction:

(1) has been set aside; or

(2) is a conviction for which the person has been pardoned.

(c) If the person was convicted of the sexual predator felony in a jury trial, the jury shall reconvene for the sentencing hearing. If the trial was to the court or the judgment was entered on a guilty plea, the court alone shall conduct the sentencing hearing under IC 35-38-1-3.

(d) A person is a serial sexual predator if the jury (if the hearing is by jury) or the court (if the hearing is to the court alone) finds that the state has proved beyond a reasonable doubt that the person has accumulated at least one (1) prior unrelated sexual predator felony conviction.

(e) The court shall sentence a person found to be a serial sexual predator to an additional fixed term of imprisonment as follows:

(1) Twenty-five (25) years if:

(A) the sexual predator felony for which the person has been convicted and is being sentenced; or

(B) any prior unrelated sexual predator felony the person has accumulated;

is a Class A felony or Class B felony.

(2) Twenty (20) years if subdivision (1) does not apply.

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SENATE MOTION

Mr. President: I move that Senator Garton be removed as author of Senate Bill 60 and that Senator Zakas be substituted therefor.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 60, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Judiciary.

(Reference is to SB 60 as introduced.)

GARTON, Chairperson

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